

REMARKS

Background

On page 10 of the Feb. 10, 2005 Office Action, claims 37, 39, 47 and 51-53 were identified as being allowable if rewritten in independent form. Claims 37, 39, 47 and 51-53 were rewritten and submitted in independent form. However on page 2 of the July 5, 2005 Office Action, the previously indicated allowability of claims 37, 39, 47 and 51-53 was withdrawn in view of a newly discovered U.S. Patent. This newly discovered U.S. Patent was U.S. Patent No. 5,933,192 to Crosby et al. Applicant respectfully requests reconsideration and allowance of the subject application in light of the amendments and remarks below.

35 U.S.C. §103 Claim Rejections

Claims 37, 39, 47 and 51-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,600,496 to Wagner et al. (hereinafter, "Wagner"), in view of U.S. Patent No. 5,850,249 to Massetti et al. (hereinafter, "Massetti"), in view of U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter, "Alexander"), and further in view of U.S. Patent No. 5,933,192 to Crosby et al. (hereinafter, "Crosby").

Claim 37 has been amended and now recites in part "wherein the interactive television device includes at least one video tuner to tune the displayed television program and a plurality of data tuners to maintain an interactive state of multiple channels."

The Office acknowledges that Wagner, Massetti, and Alexander fail to disclose the use of a plurality of tuning devices, and cites Crosby as curing the deficiencies of the Wagner-Masseti-Alexander combination (*Office Action* page 7). However, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination, as Crosby fails to teach or suggest an interactive television device that includes “at least one video tuner to tune the displayed television program and a plurality of data tuners to maintain an interactive state of multiple channels”, as recited in claim 37. Instead, Crosby describes a digital video receiver that includes two or more video tuners to facilitate quicker channel changes when a user selects a predictable new channel (*Crosby* Col.1 lns.49-62 and Fig. 2). Crosby says nothing about data tuners, or using a plurality of data tuners to maintain the interactive state of multiple channels, as recited in claim 37.

As described above, the Wagner-Masseti-Alexander-Crosby combination fails to teach or suggest all of the claim limitations. Accordingly, claim 37 is allowable over the Wagner-Masseti-Alexander-Crosby combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 39 recites in part “wherein the interactive television device includes a video tuner to tune a current television program and a plurality of data tuners, wherein each of the plurality of data tuners maintains an interactive state of a television program previously activated in the interactive television mode.”

As described above in response to the rejection of claim 37, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination. With

respect to claim 39, Crosby fails to teach or suggest an interactive television device that includes "a video tuner to tune a current television program and a plurality of data tuners, wherein each of the plurality of data tuners maintains an interactive state of a television program previously activated in the interactive television mode". Instead, Crosby describes a digital video receiver that includes two or more video tuners to facilitate quicker channel changes when a user selects a predictable new channel (*Crosby* Col.1 lns.49-62 and Fig. 2). Crosby says nothing about data tuners.

Accordingly, claim 39 is allowable over the Wagner-Masseti-Alexander-Crosby combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 47 recites in part "display an interactive video mode indicator if the displayed video program supports an interactive video mode, wherein a video tuner tunes the displayed video program, and wherein separate data tuning devices maintain an interactive video status for each video channel."

As described above in response to the rejection of claim 37, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination. For example, since Crosby says nothing about data tuning devices, Crosby cannot teach or suggest "wherein a video tuner tunes the displayed video program, and wherein separate data tuning devices maintain an interactive video status for each video channel", as recited in claim 47.

Accordingly, claim 47 is allowable over the Wagner-Masseti-Alexander-Crosby combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 51 recites in part and apparatus comprising an interactive television device, “wherein the interactive television device includes a video tuner to tune the displayed television program, and further includes a plurality of tuning devices to maintain an interactive television status for each channel.”

As described above in response to the rejection of claim 37, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination. With respect to claim 51, Crosby fails to teach or suggest an interactive television device that includes “a video tuner to tune the displayed television program, and further includes a plurality of tuning devices to maintain an interactive television status for each channel”. Instead, Crosby describes a digital video receiver that includes two or more video tuners to facilitate quicker channel changes when a user selects a predictable new channel (*Crosby* Col.1 Ins.49-62 and Fig. 2). Crosby says nothing about data tuners.

Accordingly, claim 51 is allowable over the Wagner-Masseti-Alexander-Crosby combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 52 recites in part “wherein the interactive television device includes a video tuner to tune a current television program and a plurality of data tuners,

wherein each of the plurality of data tuners maintains an interactive state of a television program previously activated in the interactive television mode.”

As described above in response to the rejection of claim 37, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination. With respect to claim 52, Crosby fails to teach or suggest an interactive television device that includes “a video tuner to tune a current television program and a plurality of data tuners, wherein each of the plurality of data tuners maintains an interactive state of a television program previously activated in the interactive television mode”. Instead, Crosby describes a digital video receiver that includes two or more video tuners to facilitate quicker channel changes when a user selects a predictable new channel (*Crosby* Col.1 lns.49-62 and Fig. 2). Crosby says nothing about data tuners.

Accordingly, claim 52 is allowable over the Wagner-Masseti-Alexander-Crosby combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Claim 53 recites in part “wherein a video tuner tunes the displayed video program, and wherein a separate data tuning device maintains an interactive video status for each video channel.”

As described above in response to the rejection of claim 37, Crosby fails to cure the deficiencies of the Wagner-Masseti-Alexander combination. With respect to claim 53, Crosby fails to teach or suggest that “a video tuner tunes the displayed video program, and wherein a separate data tuning device maintains an interactive video status for each video channel”. Instead, Crosby describes a

digital video receiver that includes two or more video tuners to facilitate quicker channel changes when a user selects a predictable new channel (*Crosby* Col.1 lns.49-62 and Fig. 2). *Crosby* says nothing about data tuners.

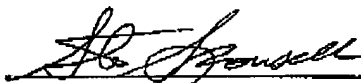
Accordingly, claim 53 is allowable over the Wagner-Masseti-Alexander-*Crosby* combination for at least this reason, and Applicant respectfully requests that the §103 rejection be withdrawn.

Conclusion

Pending claims 37, 39, 47 and 51-53 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application in light of the amendments and remarks provided above. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 9-13-05

By: 
Steven R. Sponseller
Reg. No. 39,384
(509) 324-9256 x250